

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GARY O. SIRBAUGH,

Plaintiff,

Case No. 2:15-CV-86

v.

Hon. Gordon J. Quist

UNKNOWN HORTON, et al.,

Defendants.

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ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on May 12, 2016. The Report and Recommendation was duly served on Plaintiff on May 12, 2016. No objections have been filed pursuant to 28 U.S.C. § 636.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed May 12, 2016 (ECF No. 29), is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants Horton, Payment, and Tribley's Motion for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies (ECF No. 18), Defendant Swift's Motion for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies (ECF No. 23), and Defendant Millette's Motion for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies (ECF No. 22) are **GRANTED**, and Plaintiff's claims against those Defendants are **DISMISSED WITHOUT PREJUDICE**.

Dated: June 2, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE